

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

MARK WARFIELD §
v. § CIVIL ACTION NO. 6:14cv542
BRAD LIVINGSTON §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ORDER DENYING PLAINTIFF'S MOTION FOR INJUNCTIVE RELIEF

The Plaintiff Mark Warfield, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged deprivations of his constitutional rights in that he is being required to comply with Texas prison grooming standards, allegedly in violation of his religious beliefs.

Warfield's original complaint asks that the Court enjoin the Texas prison officials from punishing him for exercising his religious beliefs and not shaving his face or cutting his hair, and allowing him to maintain a clean and well-kept beard of not more than one inch in length. He also asks that all previous disciplinary sanctions imposed upon him for violations of grooming standards be set aside and that he be released from segregation into the general population.

Together with his complaint, Warfield filed a motion for an "emergency preliminary injunction." Like his original complaint, this motion asks that the prison officials be enjoined from punishing him for violating grooming standards and that he be allowed to maintain a one inch beard.

After consideration, the Magistrate Judge issued a Report recommending that Warfield's motion for injunctive relief be denied. Warfield received a copy of this Report on August 22, 2014, but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted

by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has carefully reviewed the Plaintiff's motion and the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 11) is hereby **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion for injunctive relief (docket no. 3) is hereby **DENIED**.

SIGNED this 2nd day of October, 2014.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE